

PATENT

Applicant:	Fitzhugh et al.
Serial No.:	09/865,242
Filed:	May 25, 2001
Title:	NITRIC OXIDE-RELEASING METALLIC MEDICAL
Examiner:	B. Fubara
Group Art Unit:	1615
Docket No.:	17363-38

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF FACSIMILE TRANSMISSION

FAX RECEIVED

Commissioner for Patents
Washington, D.C. 20231

MAR 24 2003

PETITIONS OFFICE

I hereby certify that the following papers are being facsimile transmitted to the U.S. Patent and Trademark Office [facsimile number (703) 308-6916] on the date shown below.

1. Certificate of Facsimile Transmission (1 pg);
2. Request for Continued Examination (RCE) Transmittal (1 pg);
3. Transmittal of Information Disclosure Statement (2 pgs);
4. Information Disclosure Statement by Applicant (Form 1449) (1 pg);
5. Petition For Withdrawal From Issue – Issue Fee Paid (2 pgs);

March 24, 2003



Allie Barrett
Assistant to Louis C. Cullman, Esq.

OPPENHEIMER WOLFF & DONNELLY LLP
840 Newport Center Drive, Suite 700
Newport Beach, CA 92660
Telephone: 949.823.6000
Facsimile: 949.823.6100

Customer No.: 25,204

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Allie Barrett

Applicant: Fitzhugh et al.
 Serial N. : 09/865242
 Filed: May 25, 2001
 Title: NITRIC OXIDE-RELEASING METALLIC
 MEDICAL DEVICES
 Examiner: B. Fubara
 Group Art Unit: 1615
 Atty Docket No.: 17363.38

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Commissioner of Patents
 Box RCE
 Washington, D.C. 20231

Sir:

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1. SUBMISSION REQUIRED UNDER 37 CFR § 1.114

a. Previously submitted

- Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on _____
- Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- Other _____

b. Enclosed

- Amendment/Reply
- Affidavit(s)/Declarations(s)
- Information Disclosure Statement (IDS)
- Other _____ Month Extension of Time

2. MISCELLANEOUS

a. Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR § 1.17(i) required.)

b. Other _____

3. FEES

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1901

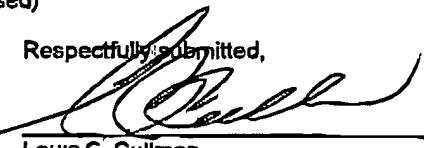
- RCE fee required under 37 CFR § 1.17(e)
- Extension of time fee (37 CFR §§ 1.136 and 1.17)
- Other _____

b. Check in the amount of _____ \$ enclosed.

Applicant claims small entity status. See 37 CFR §1.27

c. Payment by credit card (Form PTO-2038 enclosed)

Respectfully submitted,


 Louis C. Cullman
 Registration No. 39,645
Date: 3/24/03

OPPENHEIMER WOLFF & DONNELLY LLP
 840 Newport Center Drive, Suite 700
 Newport Beach, CA 92660
 Teleph ne: 949.823.6000
 Facsimile: 949.823.6100

PATENT

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Applicant: Fitzhugh et al.

Serial No.: 09/865242

Filed: May 25, 2001

Title: NITRIC OXIDE-RELEASING METALLIC MEDICAL DEVICES

Examiner: B. Fubara

Group Art Unit: 1615

Atty Docket No.: 17363.38

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION FOR WITHDRAWAL FROM ISSUE - ISSUE FEE PAID

37 CFR § 1.313(c)(2)

ATTN: Mrs. Francis Hicks
Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

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MAR 24 2003

PETITIONS OFFICE

Madam:

Applicant hereby petitions for the withdrawal of this application from issue.

The issue fee for this case was been paid on February 14, 2003. No issue notification has been received.

The reason for the request for withdrawal from issue is for abandonment to permit consideration of an Information Disclosure Statement ("IDS") under § 1.97 in a Request for Continued Examination ("RCE") application under 37 C.F.R. § 1.114. The RCE and IDS are being filed concurrently herewith.

The Commissioner is authorized to charge the petition fee (37 CFR 1.17(i) of \$130 to Deposit Account No. 50-1901. The Commissioner is authorized to charge and additional fees or credit any overpayments to Deposit Account No. 50-1901.

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The Patent Office is invited to contact the undersigned with any questions or concerns.

Respectfully submitted,

Date: 3/24/03



Louis C. Cullman
Registration No. 39,645

OPPENHEIMER WOLFF & DONNELLY LLP
840 Newport Center Drive, Suite 700
Newport Beach, CA 92660
Telephone: (949) 823-6000
Facsimile: (949) 823-6100

FBI

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Allie Barrett

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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

FAX RECEIVED

Commissioner for Patents
Washington, D.C. 20231

MAR 24 2003

Sir:

PETITIONS OFFICE

In accordance with 37 C.F.R. § 1.56, the Applicant submits herewith patents, publications, or other information of which they are aware that may be considered in connection with the above-referenced patent application. The Applicant asserts that the Ulibarri et al. reference is not material and neither anticipates, nor renders obvious the presently claimed invention. However, acting in abundance of caution, and to be certain that all references are before the Examiner, the Applicant respectfully submits the attached form 1449. Moreover, submission of this Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein is "material" to Applicant's invention as that term is currently defined in 37 C.F.R. § 1.56 (37 CFR § 1.97(h)).

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no relevant information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

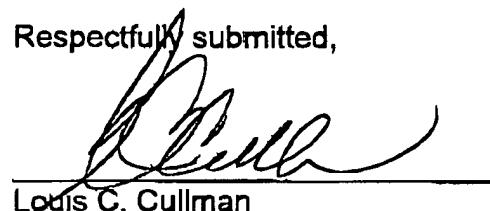
A Patent and Trademark Office Form 1449 listing each of these informational items is enclosed along with a copy of each item.

Pursuant to 37 C.F.R. § 1.97(b)(4), this Information Disclosure Statement is being filed concurrently with a Request for Continued Examination under 37 C.F.R. §

Pursuant to 37 C.F.R. § 1.97(b)(4), this Information Disclosure Statement is being filed concurrently with a Request for Continued Examination under 37 C.F.R. § 1.114, and therefore is before the mailing of any Office Action after filing the RCE. No fee is believed due. The Patent Office is permitted to charge any required fees to Deposit Account No. 50-1901.

Respectfully submitted,

Date: 3/24/03



Louis C. Cullman
Registration No. 39,645

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Newport Beach, CA 92660
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